

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:20-CV-00175-FDW-DSC

MELANIE RAE BROCK,

Plaintiffs,

v.

KILOLO KIJAKAZI¹,
ACTING COMMISSIONER OF
SOCIAL SECURITY

Defendants.

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Judgment on the Pleadings, (Doc. No. 11), and Defendant's Motion for Remand to the Acting Commissioner. (Doc. No. 13). Plaintiff, through counsel, consents to Defendant's Motion for Remand to the Acting Commissioner.

For good cause shown, the Court hereby REVERSES the Acting Commissioner's decision under sentence four of 42 U.S.C. § 405(g) and REMANDS the case to the Acting Commissioner for further administrative action. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991).

The Clerk of the Court is respectfully directed to enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Signed: July 26, 2021



Frank D. Whitney
United States District Judge



¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).